

# NATIONAL SECURITY COUNCIL INTELLIGENCE

## DIRECTIVE NO. 5<sup>1</sup>

### U.S. ESPIONAGE AND COUNTERINTELLIGENCE ACTIVITIES ABROAD

(Effective 17 February 1972)

Pursuant to the provisions of Section 102(d) of the National Security Act of 1947, as amended, the National Security Council hereby authorizes and directs that:

1. *For the purpose of this directive:*

a. Espionage is defined as that intelligence activity directed toward the acquisition of information through clandestine means.

b. Counterintelligence is defined as that intelligence activity, with its resultant product, devoted to destroying the effectiveness of inimical foreign intelligence activities and undertaken to protect the security of the nation and its personnel, information and installations against espionage, sabotage and subversion. Counterintelligence includes the process of procuring, developing, recording and disseminating information concerning hostile clandestine activity and of penetrating, manipulating or repressing individuals, groups or organizations conducting such activity.

2. To ensure centralized direction through prior, comprehensive and continuing coordination of all clandestine activities authorized herein, the Director of Central Intelligence shall, after appropriate consultation:

a. Establish the procedures necessary to achieve such direction and coordination, including the assessment of risk incident upon such operations as compared to the value of the activity, and to ensure that sensitive operations are reviewed pursuant to applicable directives.

b. Coordinate all clandestine activities authorized herein and conducted outside the United States and its possessions, including liaison that concerns clandestine activities or that involves foreign clandestine services, except when the provisions of paragraph 5 apply; also coordinate clandestine activities with overt collection abroad.

c. Invite departments and agencies not permanent members of the United States Intelligence Board that have clandestine counterintelligence responsibilities abroad to participate in deliberations of the Board when clandestine counterintelligence matters affecting such responsibilities are under consideration.

d. Make mutually agreeable arrangements with other departments and agencies for such cover support as may be needed by the Central Intelligence

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<sup>1</sup> This Directive supersedes NSCID No. 5 dated 13 January 1961.

Agency and coordinate the arrangements for cover support required by any other department or agency to carry out the clandestine activities authorized in paragraph 4 below, except when such cover is to be provided unilaterally and without utilizing the facilities of, or becoming identified with other departments or agencies of the government or nongovernmental organizations.

e. Resolve disputes arising in the coordination of U.S. espionage and clandestine counterintelligence activities abroad.

3. The Central Intelligence Agency has primary responsibility for U.S. clandestine activities abroad. Subject to the provisions of paragraph 8, it is responsible for the following services of common concern:

a. The conduct of espionage outside the United States and its possessions in order to meet the intelligence needs of all departments and agencies concerned, in connection with the national security.

b. The conduct of clandestine counterintelligence outside the United States and its possessions.

c. The conduct of liaison with foreign clandestine services or, concerning the above clandestine activities, with foreign intelligence or security services.

d. The maintenance for the benefit of the intelligence community of central indexes and records of foreign counterintelligence information. All departments and agencies shall contribute to this index, on a continuing basis, such material collected by them as is appropriate for a central file; this material shall be collated and analyzed for appropriate dissemination.

e. Upon request and to the extent practicable, assisting other departments and agencies in connection with their cover and support needs.

4. Subject to the provisions of paragraph 2 above, other departments and agencies with commands or installations located outside the U.S. and its possessions may:

a. conduct supplementary espionage in order to satisfy departmental intelligence needs;

b. conduct clandestine counterintelligence activities necessary for the security of their personnel, commands, activities and installations;

c. conduct liaison with foreign clandestine services or, concerning the above clandestine activities, with foreign intelligence or security services.

5. The departments and agencies concerned shall assist the Central Intelligence Agency in its conduct of espionage by providing guidance in the form of continuous, timely and specific collection requirements and, as required, assessments of the value of the information collected. Such departments and agencies shall provide similar support to each other as required. Conversely, the Central Intelligence Agency shall assist other departments and agencies by providing, as practicable, assessments of the value to national intelligence of the information derived from the activities of other agencies as authorized herein.

6. In a foreign area, except where paragraph 8 applies, the Director of Central Intelligence shall, after consultation with the Secretary of State, ensure that

the senior U.S. representative, or his designated representative, is appropriately advised on a timely basis of U.S. espionage and clandestine counterintelligence activities conducted in or affecting the area.

7. In a foreign area where major U.S. military commands are stationed, the designated representative of the Director of Central Intelligence shall keep the senior U.S. military commanders, or their designated representatives, appropriately informed of the espionage and clandestine counterintelligence activities and operations conducted by the Central Intelligence Agency in or from such areas, including liaison between the Central Intelligence Agency and foreign military establishments.

8. In active theaters of war where U.S. forces are engaged, or when the President so directs:

a. Except as provided in subparagraph b below, the entire Central Intelligence Agency organization conducting espionage and clandestine counterintelligence operations in or from a theater shall, as a component force, be under the direct command of the U.S. Theater Commander, in accordance with agreements separately reached between the Director of Central Intelligence and the Secretary of Defense, and shall provide espionage and counterintelligence support to military operations.

b. Espionage and counterintelligence operations that because of some exceptional political, diplomatic or other implications, are conducted independently by the Central Intelligence Agency, shall be coordinated by the Director of Central Intelligence with the Secretary of Defense and with the Secretary of State.

c. The Secretary of Defense and the Director of Central Intelligence shall establish general procedures for the coordination of liaison on clandestine activities between U.S. military commanders and foreign services that engage in such activities.

9. In addition to the above, the Director of Central Intelligence shall:

a. Develop appropriate policy recommendations for National Security Council consideration with respect to the overall U.S. counterintelligence effort conducted outside the U.S. and its possessions.

b. To the extent necessary to ensure conformity with policies approved by the National Security Council, provide for the coordination of all types of U.S. counterintelligence activities conducted abroad and for the coordination of such activities with those conducted by the departments and agencies responsible for domestic counterintelligence.